

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION,
OF MASSACHUSETTS; and
AMERICAN OVERSIGHT,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendant.

Civil Action No. 1:21-cv-10761-AK

**ASSENTED-TO MOTION FOR
AN ADDITIONAL TWO DAYS TO OPPOSE DISCOVERY MOTION**

Defendant hereby seeks an additional two days, until close of business on Friday, January 20, 2023, in which to oppose Plaintiffs' Motion for Discovery. Plaintiffs have assented to this motion.

As grounds herefor, Defendant obtained Plaintiffs' assent to a motion to extend the deadline for opposing their Motion for Discovery to the date sought herein, January 20, 2023, before the Court entered its recent order. Counsel for the government believed the extension motion had been filed but it now appears the filing was incomplete. A number of Assistant U.S. Attorneys, including undersigned counsel, have experienced delays and "stall outs" with the CM/ECF system over the last two weeks. While this does not excuse counsel from verifying that a filing has actually been completed, it is nonetheless the reason why the government thought it had filed its extension motion already.

While the Court recently ordered the government to respond to Plaintiffs' motion by the

end of January 18, 2023, two additional days are needed. This is because the factual underpinnings of the discovery motion are complex and must be carefully verified; the opposition must be reviewed by both agency counsel and undersigned counsel's supervisor at the United States Attorney's Office and, finally, because the press of other work and the interruption of the holidays has put counsel behind.¹ The extra two days will not prejudice Plaintiffs, who have assented to the time in any event, and it will likely result in a clearer filing that is of greater help to the Court.

Respectfully submitted,

MARY M. MURRANE
Chief, Civil Division

Dated: January 16, 2023

By: /s/ Thomas E. Kanwit
Thomas E. Kanwit
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¹ Undersigned counsel took on the duties of being the Acting Chief of the Civil Defensive Unit during the first half of December, in addition to his existing case obligations.

CERTIFICATE OF SERVICE and L.R. 7.1 COMPLIANCE

I, Thomas E. Kanwit, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

I further certified that I have consulted with counsel for Plaintiffs in an attempt to narrow the issue presented herein.

Dated: January 16, 2023

By: /s/ Thomas E. Kanwit
Thomas E. Kanwit
Assistant United States Attorney